

§ 305.5

(4) Televisions manufactured before May 10, 2011.

(f) As used in paragraphs (a) and (b) of this section, the term *knowingly* means:

(1) The having of actual knowledge, or

(2) The presumed having of knowledge deemed to be possessed by a reasonable person who acts in the circumstances, including knowledge obtainable upon the exercise of due care.

[52 FR 46894, Dec. 10, 1987, as amended at 54 FR 28035, July 5, 1989; 58 FR 54964, Oct. 25, 1993; 59 FR 49563, Sept. 28, 1994; 59 FR 67526, Dec. 29, 1994; 61 FR 54549, Oct. 21, 1996; 72 FR 49966, Aug. 29, 2007; 76 FR 1050, Jan. 6, 2011; 78 FR 2207, Jan. 10, 2013]

TESTING

§ 305.5 Determinations of estimated annual energy consumption, estimated annual operating cost, and energy efficiency rating, water use rate, and other required disclosure content.

(a) Unless otherwise stated in paragraphs (b), (c), (d), or (e) of this section, the content of any disclosures required by this part must be determined in accordance with the testing and sampling provisions required by the Department of Energy as set forth in subpart B to 10 CFR part 430, part 431, and 10 CFR 429.11.

(b) For any representations required by this part but not subject to Department of Energy requirements and not otherwise specified in this section, manufacturers and private labelers of any covered product must possess and rely upon a reasonable basis consisting of competent and reliable scientific tests and procedures substantiating the representation.

(c) For representations of the light output for general service light-emitting diode (LED or OLED) lamps, the Commission will accept as a reasonable basis scientific tests conducted according to IES LM79.

(d) Representations for ceiling fans under § 305.13 and televisions under § 305.17 must be derived from applicable procedures in 10 CFR parts 429, 430, and 431.

[78 FR 2207, Jan. 10, 2013, as amended at 79 FR 19467, Apr. 9, 2014]

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§ 305.6 Duty to provide labels on Web sites.

For each covered product that a manufacturer distributes in commerce after July 15, 2013, which is required by this part to bear an EnergyGuide or Lighting Facts label, the manufacturer must make a copy of the label available on a publicly accessible Web site in a manner that allows catalog sellers to hyperlink to the label or download it for use in Web sites or paper catalogs. The label for each specific model must remain on the Web site for six months after production of that model ceases.

[78 FR 2208, Jan. 10, 2013]

§ 305.7 Determinations of capacity.

The capacity of covered products shall be determined as follows:

(a) *Refrigerators and refrigerator-freezers*. The capacity shall be the total refrigerated volume (VT) and the adjusted total volume (AV) in cubic feet, rounded to the nearest one-tenth of a cubic foot, as determined according to appendix A1 to 10 CFR part 430, subpart B.

(b) *Freezers*. The capacity shall be the total refrigerated volume (VT) and the adjusted total volume (AV) in cubic feet, rounded to the nearest one-tenth of a cubic foot, as determined according to appendix B1 to 10 CFR part 430, subpart B.

(c) *Dishwashers*. The capacity shall be the place-setting capacity, determined according to appendix C to 10 CFR part 430, subpart B.

(d) *Water heaters*. The capacity shall be the first hour rating, as determined according to appendix E to 10 CFR part 430, subpart B.

(e) *Pool heaters*. The capacity shall be the heating capacity in Btu's per hour, rounded to the nearest 1,000 Btu's per hour, as determined according to appendix P to 10 CFR part 430, subpart B.

(f) *Room air conditioners*. The capacity shall be the cooling capacity in Btu's per hour, as determined according to appendix F to 10 CFR part 430, subpart B, but rounded to the nearest value ending in hundreds that will satisfy the relationship that the value of EER used in representations equals the rounded value of capacity divided by

the value of input power in watts. If a value ending in hundreds will not satisfy this relationship, the capacity may be rounded to the nearest value ending in 50 that will.

(g) *Clothes washers*. The capacity shall be the tub capacity as determined according to Department of Energy test procedures in 10 CFR part 430, subpart B, in the terms “standard” or “compact” as defined in appendix J1 to 10 CFR part 430. For models manufactured after March 7, 2015, the capacity shall be the tub capacity as determined according to Department of Energy test procedures in 10 CFR part 430, subpart B, expressed in terms of “Capacity (tub volume)” in cubic feet, rounded to the nearest one-tenth of a cubic foot, and the capacity class designations “standard” or “compact.”

(h) *Furnaces*. The capacity shall be the heating capacity in Btu’s per hour, rounded to the nearest 1,000 Btu’s per hour, as determined according to appendix N to 10 CFR part 430, subpart B.

(i) *Central air conditioners, cooling*. The capacity shall be the cooling capacity in Btu’s per hour, as determined according to appendix M to 10 CFR part 430, subpart B, rounded to the nearest 100 Btu’s per hour for capacities less than 20,000 Btu’s per hour; to the nearest 200 Btu’s per hour for capacities between 20,000 and 37,999 Btu’s per hour; and to the nearest 500 Btu’s per hour for capacities between 38,000 and 64,999 Btu’s per hour.

(j) *Central air conditioners, heating*. The capacity shall be the heating capacity in Btu’s per hour, as determined according to appendix M to 10 CFR part 430, subpart B, rounded to the nearest 100 Btu’s per hour for capacities less than 20,000 Btu’s per hour; to the nearest 200 Btu’s per hour for capacities between 20,000 and 37,999 Btu’s per hour; and to the nearest 500 Btu’s per hour for capacities between 38,000 and 64,999 Btu’s per hour.

(k) *Fluorescent lamp ballasts*. The capacity shall be the ballast input voltage, as determined according to appendix Q to 10 CFR part 430, subpart B.

(l) *Ceiling fans*. The capacity shall be the airflow in cubic feet per minute as

determined according to appendix U of 10 CFR part 430, subpart B.

[59 FR 34033, July 1, 1994, as amended at 59 FR 49564, Sept. 28, 1994; 70 FR 3875, Jan. 27, 2005; 73 FR 63067, Oct. 23, 2008; 78 FR 43981, July 23, 2013]

EFFECTIVE DATE NOTE: At 79 FR 77870, Dec. 29, 2014, § 305.7 was amended by revising paragraphs (a) and (b), effective Apr. 6, 2015. For the convenience of the user, the revised text is forth as follows:

§ 305.7 Determinations of capacity.

* * * * *

(a) *Refrigerators and refrigerator-freezers*. The capacity shall be the total refrigerated volume (VT) and the adjusted total volume (AV) in cubic feet, rounded to the nearest one-tenth of a cubic foot, as determined according to appendix A to 10 CFR part 430, subpart B.

(b) *Freezers*. The capacity shall be the total refrigerated volume (VT) and the adjusted total volume (AV) in cubic feet, rounded to the nearest one-tenth of a cubic foot, as determined according to appendix B to 10 CFR part 430, subpart B.

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§ 305.8 Submission of data.

(a)(1) Except as provided in paragraphs (a)(2) through (4) of this section, each manufacturer of a covered product subject to the disclosure requirements of this part and subject to Department of Energy certification requirements in 10 CFR part 429 shall submit annually a report for each model in current production containing the same information that must be submitted to the Department of Energy pursuant to 10 CFR part 429 for that product, and that the Department has identified as public information pursuant to 10 CFR part 429. In lieu of submitting the required information to the Commission as required by this section, manufacturers may submit such information to the Department of Energy via the CCMS at <https://regulations.doe.gov/ccms> as provided by 10 CFR 429.12.

(2) Manufacturers of ceiling fans shall submit annually a report containing the brand name, model number, diameter (in inches), wattage at high speed excluding any lights, airflow (capacity) at high speed for each basic